

2009 DRAFTING REQUEST

Bill

Received: **09/23/2008**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Weidner**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Econ. Development - housing
Real Estate - landlord/tenant**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Weidner, BB0085 -

Topic:

Landlord/tenant funds

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/23/2008	jdye 09/24/2008		_____			
/P1			rschluet 09/24/2008	_____	sbasford 09/24/2008		

FE Sent For:

<END>

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pkahler

Pl 9/24/08

md/rs
9/24/08
4/26/08
<END>

FE Sent For:

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Landlord/Tenant Funds
- Tracking Code: BB0085
- SBO team: General Government and Economic Development
- SBO analyst: Jenna Weidner
 - Phone: x 6-7329
 - Email: jenna.weidner@wisconsin.gov
- Agency acronym: COM
- Agency number: 143
- Priority (Low, Medium, High): Medium

Intent: Change the language in 704.05 Wis. Statutes which directs landlords to send proceeds from the sale of a tenant's personal property to the DOA. Instead, have the landlord send the proceeds directly to the Department of Commerce. By mistake, this statute was not transferred to Commerce along with other Housing bureau functions in 2004.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0366

PJK:....

jld

DOA:.....Weidner, BB0085 - Landlord/tenant funds ✓

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(w 9-23)

✓

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gen cat

1 AN ACT...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau ✓
COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE ✓

Under current law, if a tenant leaves behind personal property after moving out of the rental premises, the landlord may store the property without a lien and return it to the tenant or store the property with a lien for the cost of storage and give the tenant notice of the storage within ten days after the charges begin. Another option for the landlord is to give the tenant notice that after 30 days the landlord intends to dispose of the property by sale or other appropriate means. If the landlord disposes of the property by sale, the landlord may deduct the costs of sale from the proceeds, the tenant has 60 days after the date of the sale to claim the remaining proceeds, and any proceeds not claimed by the tenant must be sent to DOA to be used by the Department of Commerce (Commerce) to provide grants to agencies and shelter facilities for the homeless. This bill provides that the remaining proceeds be sent directly to Commerce to provide the grants to agencies and shelter facilities for the homeless. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Landlord must send
any

not claimed by the tenant

1 **SECTION 1.** 704.05 (5) (a) 2. [✓] of the statutes is amended to read:

2 704.05 **(5)** (a) 2. Give the tenant notice, personally or by ordinary mail
3 addressed to the tenant's last-known address, of the landlord's intent to dispose of
4 the personal property by sale or other appropriate means if the property is not
5 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
6 after the date of personal service or the date of the mailing of the notice, the landlord
7 may dispose of the property by private or public sale or any other appropriate means.
8 The landlord may deduct from the proceeds of sale any costs of sale and any storage
9 charges if the landlord has first stored the personalty under subd. 1. If the proceeds
10 minus the costs of sale and minus any storage charges are not claimed within 60 days
11 after the date of the sale of the personalty, the landlord is not accountable to the
12 tenant for any of the proceeds of the sale or the value of the property. The landlord
13 shall send the proceeds of the sale minus the costs of the sale and minus any storage
14 charges to the department of ~~administration~~ commerce [✓] for deposit in the
15 appropriation under s. 20.143 (2) (h).

16 **History:** 1993 a. 374, 486; 2001 a. 16; 2003 a. 33; 2005 a. 253.

(END)

Kahler, Pam

From: Kahler, Pam
Sent: Wednesday, October 22, 2008 5:19 PM
To: Weidner, Jenna M - DOA
Cc: Pawasarat, Jane - DOA
Subject: Change to s. 704.05 (5) (a) 2.

Jenna:

You requested that I send you an email explaining that the change to s. 704.05 (5) (a) 2. in LRB-0366 is a technical change.

Before 2003 Wisconsin Act 33 (which was the budget act), the Department of Administration (DOA) administered various housing assistance programs. Administration of those housing assistance programs was transferred to the Department of Commerce (Commerce) in 2003 Wisconsin Act 33. In that act, the statutory provisions in subch. II of ch. 16 were renumbered to subch. X of ch. 560. For example, see sections 150 to 161 of Act 33. The applicable DOA appropriations were transferred to Commerce. See sections 593 to 604 of Act 33. In chapter 704, the landlord/tenant chapter, there is a provision (s. 704.05) that spells out what a landlord may do if a tenant leaves personal property behind. If the landlord sells the property, the proceeds are to be sent to the state for deposit in a housing assistance appropriation (see s. 704.05 (5) (a) 2.). Before Act 33, the proceeds were sent to DOA for deposit in the appropriation under s. 20.505 (7) (h). You can see in section 2658 of Act 33 that the drafter changed the appropriation from the DOA appropriation to a Commerce appropriation (s. 20.143 (2) (h)), but inadvertently neglected to change the agency name from DOA to Commerce. The text of s. 20.143 (2) (h) provides that the funding source includes all moneys received under s. 704.05 (5) (a) 2., which supports the proposition that s. 704.05 (5) (a) 2. *should* require the proceeds to be sent to Commerce for deposit in s. 20.143 (2) (h). Thus, the change in LRB-0366 is a technical cleanup to make s. 704.05 (5) (a) 2. consistent with the previous transfer of housing assistance functions to Commerce and with the text of s. 20.143 (2) (h).

Let me know if this explanation does not adequately address the issue or if you have any questions.

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0366/P1

PJK:jld:rs

DOA:.....Weidner, BB0085 - Landlord/tenant funds

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 704.05 (5) (a) 2. of the statutes is amended to read:

704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail addressed to the tenant's last-known address, of the landlord's intent to dispose of the personal property by sale or other appropriate means if the property is not repossessed by the tenant. If the tenant fails to repossess the property within 30 days after the date of personal service or the date of the mailing of the notice, the landlord may dispose of the property by private or public sale or any other appropriate means. The landlord may deduct from the proceeds of sale any costs of sale and any storage charges if the landlord has first stored the personalty under subd. 1. If the proceeds minus the costs of sale and minus any storage charges are not claimed within 60 days after the date of the sale of the personalty, the landlord is not accountable to the tenant for any of the proceeds of the sale or the value of the property. The landlord shall send the proceeds of the sale minus the costs of the sale and minus any storage charges to the department of ~~administration~~ commerce for deposit in the appropriation under s. 20.143 (2) (h).

(END)